

EDUCATION.

CHAPTER 75.

[S. B. 140.]

RELATING TO EDUCATION.

AN ACT to Amend Sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895, Relating to Education.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

That sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842 and 865 of the Revised Codes of 1895 be and the same are hereby amended to read as follows:

§ 625. TO FURNISH SCHOOL SUPPLIES, BLANKS, ETC.] He shall prepare, cause to be printed and furnish to the proper officers or persons, all district clerks' record books and warrant books, school treasurers' record books, school registers, reports, statements, notices and returns needed or required to be used in the schools or by the school officers in the state. He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for district libraries; such lists shall contain also the lowest price at which each publication can be purchased, and such other information relative to the purchase of district libraries as he may deem requisite.

§ 628. RULES FOR TEACHERS' INSTITUTES.] He shall prescribe rules and regulations for the holding of teachers' institutes and teachers' training schools, and after counseling and advising with county superintendents, shall appoint conductors therefor. He shall prescribe the course of instruction for teachers' institutes and for teachers' training schools, and the course of reading for the teachers' reading circles within the State.

§ 636. REPORTS TO BE PRINTED.] Two thousand copies of the report of the Superintendent of Public Instruction shall be printed biennially in the month of December preceding the session of the Legislative Assembly. One copy shall be furnished to each of the members of the Legislative Assembly, one copy to each county superintendent of the State, one copy to the

president of each school board, one copy to each State officer, one copy to each State and territorial superintendent, and twenty copies shall be filed in the office of the Superintendent of Public Instruction, and ten copies in the State Library. The remaining copies shall be distributed among the various colleges, universities and other libraries of the United States.

§ 641. GENERAL DUTIES—CONTINUED.] He shall carry into effect all instructions of the Superintendent of Public Instruction given within his authority. He shall distribute to the proper officers and to teachers all blanks furnished him by such superintendent, and needed by such officers and teachers. Acting under the instructions of the Superintendent of Public Instruction, he shall, when expedient, convene the teachers of his county at least one Saturday in each month during which the public schools are in progress, or if the distance is too great he may convene the teachers of two or more districts in each of the several portions of his county in county or district institutes, or teachers' circles for normal instruction and the study of methods of teaching, organizing, classifying and governing schools, and for such other instruction as may be set forth in the course of reading prescribed by the Superintendent of Public Instruction for the State teachers' reading circle. Each teacher shall attend the full session of such institute or circle and participate in the duties and exercises thereof or forfeit one day's wages for each day's absence therefrom, unless such absence is occasioned by sickness of the teacher or others to whom his attention is due; but when on account of distance or otherwise it would impose a hardship upon any teacher to attend, or would cause such teacher to neglect his school, the county superintendent may excuse such teacher from attendance.

§ 642. RECORD OF OFFICIAL ACTS.] He shall keep a record of all his official acts, and shall preserve all books, maps, charts and apparatus sent him as a school officer, or belonging to his office. He shall file all reports and statements from teachers and school boards and shall turn them over to his successor in office. He shall be provided with a seal by which his official acts may be authenticated.

§ 646. INSTITUTE FUND, HOW RAISED AND USED.] All funds received by him for the examination of teachers shall be turned over to the county treasurer, who shall keep the same as a special fund to be known as the "Institute Fund," and which shall be used only for the expenses of holding county teachers' institutes, or supporting teachers' training schools, to be paid out upon proper warrants issued by the county auditor upon the sworn and itemized voucher of the county superintendent.

§ 649. REPORT TO STATE SUPERINTENDENT.] He shall, on or before the fifteenth day of September in each year, make and transmit a report to the Superintendent of Public Instruction, containing such statistics, items and statements relative to the

schools of the county, as may be required by such superintendent. Such report shall be made upon and conform to the blanks furnished by the Superintendent of Public Instruction for that purpose. He shall not be paid his salary for the last quarter of his official year, until he presents to the county commissioners, the receipt of the Superintendent of Public Instruction for such annual report.

§ 651. OFFICE, POSTAGE AND STATIONERY.] He may provide for himself a suitable office for the transaction of official business when not provided therewith by the county commissioners, and such commissioners shall audit and pay his reasonable accounts for the use and furniture of such office. They shall also furnish him with all necessary books, stationery and postage.

§ 652. SALARY—DEPUTY—TRAVELING EXPENSES.] The salary of the county superintendent of schools shall be as follows: In each county having one school and not over five, one hundred dollars; six schools and not over ten, two hundred dollars; eleven schools and not over fifteen, three hundred dollars; sixteen schools and not over twenty, four hundred dollars; twenty-one schools and not over twenty-five, five hundred dollars; twenty-six schools and not over thirty, six hundred dollars; thirty-one schools and not over thirty-five, seven hundred dollars; thirty-six schools and not over forty, eight hundred dollars; forty-one schools and not over fifty, nine hundred dollars; and for each additional school, ten dollars additional; *Provided*, that in computing the salary of such superintendent no school shall be included unless the same shall have been taught at least three months during the preceding year; *Provided*, further, that such salaries shall not exceed fifteen hundred dollars in any county. In addition thereto he shall receive seven cents a mile for the distance actually and necessarily traveled by him in the discharge of his duties. He shall at the end of every three months make and furnish to the county commissioners an itemized statement of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the board of county commissioners. The amount of his salary shall be determined each year by the actual number of schools or separate departments in graded schools over which such superintendent had official supervision during the preceding year, and the same shall be paid out of the county general fund monthly upon the warrant of the county auditor. In each county, which shall be organized for school purposes after the adoption of this code, the county superintendent shall be paid a salary at the rate of one hundred dollars a year until the first Monday in October next following his election, after which his salary shall be as provided for in this section. The county superintendent may appoint a deputy who shall perform the duties of the county superintendent during the absence from the county; but no additional salary shall be paid such deputy except in counties having sixty or more schools. In

counties having sixty schools the board of county commissioners shall appropriate one hundred dollars for clerical assistance in the county superintendent's office and five dollars for each additional school, to be paid monthly; *Provided*, that more than six hundred dollars shall be appropriated for clerical assistance in any one year.

§ 667. BOUNDARIES—HOW CHANGED IN FUTURE.] After the boundary lines of the several school districts in any of the said counties are re-arranged and established as provided for in the last preceding section of this article, such boundary so established may be changed by the county commissioners and superintendent of schools of such county at any regular session of such commissioners upon a petition for such change signed by one-third of the voters residing in each district, whose boundaries will be affected by such change, if in the judgment of the commissioners and superintendent such change is for the best interests of the schools; *Provided*, that by such change or changes no new district shall be formed, nor shall the number of school districts in the county be increased; *Provided*, further, that each congressional township, not wholly or in part included in a civil township, and no part of which is organized for school purposes, shall be formed into a school district as soon as it shall have residing therein twelve or more children of school age.

§ 671. POLLING PLACES—HOW ESTABLISHED—APPOINTMENT OF ELECTION OFFICERS.] The county superintendent in each county shall, at least twenty days prior to the first election in the new district, fix and designate some polling place in each school district so located as to be convenient for the voters of such district, and shall appoint two persons to act as judges and two to act as clerks of the election of such school officers; such judges and clerks shall be qualified voters in their respective districts. The county superintendent shall notify in writing such judges and clerks of their appointment, and of the place fixed and designated as the polling place in their respective districts, and shall furnish them with the necessary blanks and poll books for such election. He shall also furnish one of such clerks with three notices of such election specifying the time and place at which such election is to be held, the officers to be elected and term of each, which notices such clerk shall post in three of the most public places in the district at least ten days prior to such election. The county superintendent shall fix the date and perform such other duties as devolve upon him by the provisions of this section for the first election in any school district hereafter formed under the provisions of this chapter, and such election shall be called by the county superintendent within thirty days after the formation of such school district.

§ 676. ELECTION—HOW CONDUCTED AND VOTES CANVASSED.] Such election shall be conducted and the votes canvassed as provided by law for general election, except as otherwise provided

in this chapter. Immediately after the polls are closed the judges shall proceed to count and canvass the votes for each person voted for at such election for any office, and the person receiving the highest number of votes for the office of director or treasurer shall be declared elected. If the election results in a tie for any such office, the district clerk shall immediately notify in writing the parties having received such tie votes, and a time shall be agreed upon by the parties, within three days after the election, at which the election shall be decided in the manner that may be agreed upon by the parties, in the presence of the judges and clerks of election, and a record of the proceedings shall be made in the records of the district clerk.

§ 683. DUTIES OF CLERK—COMPENSATION.] The clerk of the board shall keep an accurate record of all proceedings of the board, give or post all notices, make out all reports and statements and perform all other duties required by law or by the board. He shall receive such compensation as shall be fixed by the board, not less than ten dollars for one school and five dollars for each additional school in his district; *Provided*, that such salary shall not exceed forty dollars in any one year.

§ 689. OATHS AND BONDS—WHERE TO BE FILED.] All official oaths and bonds of school district officers shall be filed with the district clerk, who shall immediately certify to the county superintendent the fact of such oaths and bonds being filed. Said clerk shall file school treasurer's bond with county auditor after such bond has been approved by the district school board, as provided in this chapter. In case of the breach of any of the conditions of the treasurer's bond, the board, through its president, and in case of his refusal so to do, the county superintendent shall cause an action to be commenced and prosecuted thereon in the corporate name of the district, and any money collected for the district shall be paid to the district treasurer and any money collected for fines shall be paid into the county treasury and be credited to the general school fund of the state. If the board and county superintendent both fail or refuse to bring such action any taxpayer in the district may commence and prosecute such action, and the necessary expense thereof shall be paid out of the district treasury unless otherwise ordered by the court.

§ 701. SCHOOL HOUSES AND SITES, HOW DETERMINED.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district or to provide for the children therein proper school privileges, or whenever petitioned so to do by one-third of the voters in the district, the board shall call a meeting of the voters in the district at some convenient time and place fixed by the board to vote upon the question of the selection, purchase, exchange or sale of a school house site, or the erection, removal or sale of a school house. Said election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time,

place and purpose of such meeting shall be posted in three public places in the district by the clerk, at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange or sale of the school house, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such school house, as the case may be, in accordance with such vote; *Provided*, that it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the school house and such school house so removed cannot again be removed within three years from the date of such meeting.

§ 704. SCHOOL TERMS, HOW ARRANGED—WHEN SCHOOL MAY BE DISCONTINUED.] The district board shall determine and fix the length of time the schools in the district shall be taught in each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; *Provided*, that every common school shall be kept in session for not less than four months in each school year, and in every district in which the number of persons of school age is an average of fifteen or more to the school, each school shall be kept in session for not less than six months in each school year; *Provided, further*, that any school may be discontinued when the average attendance of pupils therein for ten consecutive days shall be less than four, and all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance, or when, with the consent of a majority of the patrons of such school, proper and convenient school facilities can be provided for the pupils therein in some other school.

§ 707. SCHOOL CENSUS—ANNUAL SCHOOL REPORT.] The board shall cause the clerk to make an enumeration each year of all unmarried persons of school age, being over six and under twenty years of age, having their legal residence in the district on the first day of December of that year, giving the names and age of such persons and the name of the parent or guardian having the care or custody of each. Such enumeration shall be made upon and in accordance with the blanks furnished therefor by the county superintendent, and shall be returned to the county superintendent prior to the twentieth day of December. A copy of such enumeration shall also be kept in the office of the district clerk. The board shall also cause the district clerk to make out an annual school report for the year beginning July first and ending June thirtieth, containing such financial and statistical statements and items as shall be required by the Superintendent of Public Instruction upon and in accordance with the blanks furnished therefor by the county superintendent. Such report shall be carefully examined and certified as correct

by the board at its regular meeting in July and transmitted to the county superintendent prior to the first day of August following. A copy of such report shall be filed in the district clerk's office.

§ 714. NOT ENTITLED TO TUITION FUND—WHEN—ENUMERATION.] No school district shall be entitled to receive any portion of the State tuition fund that fails to make a report of the enumeration of children of school age in the manner provided by law, nor until such enumeration has been taken and reported as required by law. The county superintendent of schools shall not authorize the payment of money apportioned to any district unless the bond and oath of such treasurer has been duly approved and filed, as provided for by section 689. New districts organized after the annual enumeration has been taken shall proceed immediately to take the enumeration as provided by law, and after the receipt of such enumeration by the Superintendent of Public Instruction through the county superintendent, the newly organized district shall receive their proportionate share of the funds to be apportioned.

§ 717. TREASURER'S ACCOUNTS—ANNUAL SETTLEMENT.] The district treasurer shall open new accounts with each fund at the beginning of each school year, and the balance in each fund shall be brought down and become the first entry in opening the account for the new year. On the Tuesday in July succeeding the regular meeting of the school board in each year, the school board shall make settlement with the district treasurer, and shall carefully examine his books, accounts and vouchers and shall ascertain if the amount of all warrants, bonds and coupons paid and redeemed or paid in part, together with the cash in his hands or under his control, is equal to the amount of the cash on hand at the beginning of the school year, together with all money received by him from all sources for school purposes during the year. The district treasurer shall deliver to the board at such annual meeting all warrants, bonds and coupons paid and redeemed by him during the school year, and held by him as vouchers, taking the receipt of the board therefor, and such vouchers shall forthwith be filed with the district clerk. He shall at that meeting make his annual report in triplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk of the school board, and one to be transmitted to the county superintendent of schools, and the board shall cause to be published an itemized statement of the receipts and expenditures of the preceding year. The treasurers' reports shall show the following:

RECEIPTS.

- The balance at the close of the year.
- The amount received into the State tuition fund.
- The amount received into the special fund.
- The amount received into the sinking fund.

EXPENDITURES.

The amount paid for school houses, sites and furniture.

The amount paid for apparatus and fixtures.

The amount paid for teachers' wages.

The amount paid for services and expenses of school officers.

The amount paid for redemption of bonds.

The amount paid for interest on bonds,

The amount paid for incidental expenses.

The cash on hand at the close of the school year.

Such report shall include such other items as may be required by the district board, or the Superintendent of Public Instruction, and shall be upon and in conformity with the blanks furnished him for that purpose.

§ 718. WHEN COUNTY TREASURER TO PAY FUNDS TO DISTRICT TREASURER.] The treasurer of each district shall apply to the county auditor for an order, and the county treasurer shall pay over to him on such order all of the school money collected for such district and all school money apportioned to such district by the county superintendent, and the county auditor shall issue such order; *Provided*, such district treasurer has qualified and filed his oath and bond as provided by law. It shall be the duty of the county treasurer, when payment is made to any school treasurer of any funds herein provided for, immediately to notify the clerk of the school board of the payment of the same.

§ 727. VACANCY IN OFFICE OF COUNTY SUPERINTENDENT.] Should a vacancy occur in the office of county superintendent of schools, the board of county commissioners of such county shall have the power and it shall be their duty to fill such vacancy by appointment, as provided by law, which appointment shall be valid until the next general election. The county auditor shall immediately notify the Superintendent of Public Instruction of such appointment.

§ 731. EQUALIZATION OF INDEBTEDNESS—BY ARBITRATION.] After the boundaries of a school district have been established, as provided for in this chapter, all school districts or parts of school districts that existed as school corporations, or as parts thereof before the taking effect of this code and that are now included in one school district shall effect an equalization of property, funds on hand and debts, or whenever the boundaries of two or more districts are re-arranged, all districts affected by such change shall effect an equalization of property, funds on hand and debts. To effect this each school board of such corporation, constituting a school district under the operation of this chapter, shall select one arbitrator and the several arbitrators so selected together with the county superintendent shall constitute a board of arbitration to effect such equalization. If in any case the number of arbitrators, including the county superintendent, shall be an even number, the county treasurer shall be included

and be a member of such board. The county superintendent shall fix the time and place of such meeting.

§ 732. TAX TO EQUALIZE AND PAY PREVIOUS DEBTS.] Such board shall take an account of the assets, funds on hand, the debts properly and justly belonging to or chargeable to each corporation or part of a corporation affected by such change, and levy such a tax against each as will in its judgment justly and fairly equalize their several interests.

§ 737. PROFESSIONAL CERTIFICATES—WHO ENTITLED.] He may issue a State certificate to be valid for life, unless sooner revoked, to be known as a professional certificate. Such certificate shall be issued only to those persons of good moral character, who pass a thorough examination in all the branches included in the courses of study prescribed for the common and high schools of the State, including methods of teaching and such other branches as the Superintendent of Public Instruction may direct. Such certificates shall in no case be granted unless the applicant has had an experience as a teacher of at least five years, and can satisfy the superintendent of his ability to instruct and properly manage any high school of the State. Such certificate shall be valid throughout the State, and the holder shall be authorized to teach in any of the common or high schools of the State without further examination; *Provided*, that any person who is a graduate of the normal course in the University of North Dakota, or of the State Normal Schools of North Dakota, and has had three years successful experience after graduation as a teacher, may be granted such professional certificate without further examination; *Provided, further*, that if the holder of a professional certificate shall at any time cease to teach, or to be engaged in other active educational work for the space of three years, he shall be liable to a re-examination and to the cancellation of his certificate, subject to such rules as may be prescribed by such superintendent.

§ 738. NORMAL CERTIFICATE, WHO ENTITLED.] He may issue a State certificate, to be valid for a term of five years, unless sooner revoked, to be known as a Normal certificate. Such certificate shall be issued only to those persons of good moral character, who have completed the prescribed course of study in one of the Normal schools of the State, or in a Normal school elsewhere having an established reputation for thoroughness, but the Superintendent of Public Instruction may examine any such applicant in his discretion. Such certificate shall not be granted unless the applicant shall have taught school successfully for at least two years. Such certificate shall be valid throughout the State, and the holder shall be authorized to teach in any of the public schools of the State; *Provided*, that any person who is a graduate of the Normal course in the University of North Dakota, or of the State Normal schools of North Dakota, and who has had one year's successful experience after graduation as a teacher, may be granted such Normal certificate without further

examinations; *Provided, furthermore*, that a diploma from either of the Normal schools, or the Normal department in the University of North Dakota, shall for the period of two years after date of issue, be the equivalent of a first grade certificate in any county in this State if the party holding such diploma has the required age specified by section 742.

§ 740. EXAMINATION OF TEACHERS BY COUNTY SUPERINTENDENT.] The county superintendent shall hold a public examination of all persons over eighteen years of age offering themselves as candidates for teachers of common schools at the most suitable place in the county, on the second Friday in March, and on the last Friday in May, August and October of each year, and when necessary, such examination may be continued on the following day, at which time he shall examine them by a series of written or printed questions, according to the rules prescribed by the Superintendent of Public Instruction. If, from the percentage of correct answers required by the rules and other evidence disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's successful experience, if any, the applicant is found to be a person of good moral character, to possess a knowledge and understanding, together with aptness to teach and govern, which will enable such applicant to teach in the common schools of the State the various branches required by law, such superintendent shall grant to such applicant a certificate of qualification.

§ 741. TEACHERS' GRADES—HOW ESTABLISHED—RE-EXAMINATION—WHEN ALLOWED.] Such certificates shall be of three regular grades, the first grade for a term of three years, the second grade for a term of two years, and the third grade for one year, according to the ratio of correct answers of each applicant and other evidence of qualification appearing from the examination. No certificate shall be granted unless the applicant shall be found proficient in and qualified to teach the following branches of a common English education: Reading, writing, orthography, language lessons and English grammar, geography, United States history, arithmetic, civil government, physiology and hygiene, and for a first and second grade can pass a satisfactory examination in theory and practice of teaching. In addition to the above, applicants for a first grade certificate shall pass a satisfactory examination in physical geography, elements of natural philosophy, elements of psychology, elementary geometry and algebra. The percentage required to pass any branch shall be prescribed by the Superintendent of Public Instruction. In addition to these regular grades of certificates, the county superintendent may grant permission to teach until the next regular examination to any person applying at any other time than at a regular examination, who can show satisfactory reasons for failing to attend such examination, subject to such rules and regulations as may be prescribed by the Superintendent of Public Instruction.

Such permit shall not be granted more than once to any person. The written answers of all candidates for county certificates, after being duly examined by the county superintendent, shall be kept by him for the space of six months after such examination, and any candidate thinking an injustice has been done him, may by paying a fee of two dollars into the institute fund of the county and notifying both the county superintendent and the Superintendent of Public Instruction of the same, have his papers re-examined by the Superintendent of Public Instruction. The county superintendent shall on receipt of such notice from such complaining candidate transfer such papers to the Superintendent of Public Instruction, who shall examine such answers, and, if such answers warrant it, shall instruct the county superintendent to issue to such candidate a county certificate of the proper grade, and the county superintendent shall carry out such instructions.

§ 742. QUALIFICATIONS OF TEACHERS — CONTRACTS — WHEN VOID.] No certificate or permit to teach shall be issued to any person under eighteen years of age, and no first grade certificate shall be issued to any person under twenty years of age, and who has not taught successfully twelve school months; and no person shall be allowed to teach more than fifteen school months on third grade certificates. The certificate so issued by a county superintendent shall be valid only in the county where issued; *Provided*, that a first grade certificate may be renewed once without examination at the discretion of the county superintendent, upon payment of the proper fee for the institute fund as provided in the case of examination; *Provided, further*, that a first grade certificate shall be valid in any county of the State when indorsed by the county superintendent of such county. No person shall be employed or permitted to teach in any of the public schools of the State, except those in cities organized for school purposes under special laws, who is not the holder of a lawful certificate of qualification, or permit to teach; *Provided, further*, that no certificate or permit to teach in the schools of the State shall be granted to any person not a citizen of the United States, unless such person has resided in the United States for one year last prior to the time of such application for certificate or permit. Any contract made in violation of this section shall be void.

§ 743. FEE FOR CERTIFICATE.] Each applicant for a county certificate shall pay one dollar to the county superintendent, which shall be used by him in support of teachers' institutes in the county, or in the support of teachers' training schools.

§ 748. TEACHERS' REGISTER—WHAT TO CONTAIN.] Each teacher shall keep a school register, and at the close of each term make a report, containing the number of visits of the county superintendent, and such items and in such form as shall be required. Such report shall be made in duplicate, both copies of

which shall be sent to the county superintendent, who, if he finds such report to be correct, shall immediately return one copy to the district clerk, same to be filed with him. No teacher shall be paid the last month's wages in any term until such report shall have been approved by the county superintendent and one copy returned to the district clerk.

§ 749. SCHOOL YEAR AND SCHOOL WEEK DEFINED—HOLIDAYS.] The school year shall begin on the first day of July and close on the thirtieth day of June of each year. A school week shall consist of five days, and a school month of twenty days. No school shall be taught on a legal holiday nor on any Saturday. A legal holiday in term time falling upon a day which otherwise would be a school day shall be counted and the teacher shall be paid therefor, but no teacher shall be paid for Saturday, nor be permitted to teach on Saturday to make up for the loss of a day in the term.

§ 751. TEACHERS' INSTITUTES—HOW NOTICED—PENALTY FOR FAILURE TO ATTEND.] When a teachers' institute or teachers' training school is appointed to be held in or for any county, it shall be the duty of the county superintendent to give written or printed notice thereof to each teacher in the public schools of the county, and as far as possible to all others not then engaged in teaching who are holders of teachers' certificates, at least ten days before the opening of such institute of the time and place of holding it. Each teacher receiving such notice engaged in teaching a term of school, which includes the time of holding such institute, shall close school during such institute and attend the same, and shall be paid by the school board of the district his regular wages as teacher for the time (not less than four days) he attended such institute, as certified by the county superintendent or conductor of the institute. No teacher failing to attend such institute shall receive any compensation for the time he may have taught during the session of the same. The county superintendent may revoke the certificate of any teacher in his county for inexcusable neglect or refusal after due notice to attend a teachers' institute held for such county. The county superintendent may also refuse to issue a certificate to teach to any teacher known to him to be inefficient as an educator and who through inexcusable neglect fails to attend a teachers' training school held for such county, after due notice has been given by said county superintendent. The provisions of this section shall not apply to teachers in cities organized for school purposes under a special law.

§ 757. INSTITUTE FUNDS—HOW PAID OUT.] It shall be the duty of the county superintendent in all cases to consult with the Superintendent of Public Instruction in reference to the management of such institute, and as far as practicable, to carry out the suggestions of such superintendent as to the modes of instruction.

No salary shall be paid to any conductor of any institute not previously appointed or employed as herein provided. The money hereby appropriated from the state treasury for the support of teachers' institutes shall be paid to the persons to whom it is due by warrant of the State Auditor upon the State Treasurer, which shall be issued upon the presentation of an account in due form receipted by the person to whom due and approved by the Superintendent of Public Instruction; *Provided*, that no county shall receive more than ten dollars from such appropriation for the payment of conductors' salary for each day its institute is in session; *Provided*, that the state and county institute funds specified by sections 756 and 755 and the appropriation specified by section 758 of one or more counties may be applied to the support of a teachers' training school for such county or counties at the request of the county superintendent of such county or counties, with the consent and under the direction of the Superintendent of Public Instruction.

§ 761. PROSECUTION FOR NEGLECTING THIS DUTY.] It shall be the duty of the president of the board of education of any city, town or village, or the president of the school board of any district, to inquire into all cases of neglect of the duty prescribed in this article and ascertain from the person neglecting to perform such duty, the reason therefor, if any, and shall forthwith proceed to secure the prosecution of any offense occurring under this article, and any such president neglecting to secure such prosecution for such offense within fifteen days after a written notice has been served by any taxpayer in such city, town, village or district, or by the county superintendent in such county, unless such person so complained of shall be excused by the board of education or school board for one of the reasons hereinbefore stated, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than five nor more than twenty dollars.

§ 775. SCHOOL BONDS, HOW ISSUED.] Whenever a duly constituted school district, including independent school districts, in any organized county in the State at any regular or special meeting held for that purpose, shall determine by a majority vote of all the qualified voters of such school district present at each meeting and voting, to issue school district bonds for the purpose of building and furnishing a school house and purchasing grounds on which to locate the same, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds, the district school board may lawfully issue such bonds in accordance with the provisions of this article.

§ 777. BONDS, DENOMINATION OF—INTEREST—LIMIT OF ISSUE.] The denomination of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, not exceeding five hundred dollars, and shall bear interest at the rate of not exceeding seven per cent per annum, payable

semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds; and no greater amount than one thousand dollars can be issued for any one school house, except in towns and villages of more than two hundred inhabitants, and in such districts the amount, including all other indebtedness, shall not exceed five per cent of its assessed valuation, and may be made payable in not less than ten, nor more than twenty years from their date.

§ 780. BONDS, HOW NEGOTIATED.] When any bonds shall be issued under the provisions of this article, the school district treasurer shall have authority to negotiate and sell such bonds for not less than par, and the said school district treasurer shall apply the proceeds arising from the sale of such bonds only for the purpose of building and furnishing a school house and purchasing grounds on which the said school house shall be located, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds, as provided by section 775 of this article.

§ 785. CITIES GOVERNED BY THE PROVISIONS OF THIS ARTICLE.] All cities and incorporated towns and villages which have heretofore been organized under the general school laws, and which are provided with a board of education, shall be governed by the provisions of this article. Any city or incorporated town or village having a population of over two hundred inhabitants may be constituted a special school district in the manner hereinafter prescribed, and shall then be governed by the provisions of this article; *Provided*, that any city heretofore organized for school purposes under a special act, may adopt the provisions of this article, by a majority vote of the voters therein, in the same manner as is provided for the organization of a new corporation under the provisions of this article.

§ 786. ADJACENT TERRITORY, HOW ATTACHED FOR SCHOOL PURPOSES.] When any city, town or village has been organized for school purposes and provided with a board of education under any general school law, or a special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto, may be attached to such city, town or village for school purposes by the board of education thereof upon application in writing signed by a majority of the voters of such adjacent territory; and upon such application being made, if such board shall deem it proper and to be the best interests of the schools of such corporation and of the territory to be attached, an order shall be issued by such board attaching such adjacent territory to such corporation for school purposes, and the same shall be entered upon the records of the board. Such territory shall from the date of such order be and compose a part of such corporation for school purposes only; such adjacent territory shall be attached for voting purposes to such corporation, or if

the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and upon school questions; *Provided*, the county commissioners may detach such adjacent territory from any special district and attach to any adjacent school or special district or districts upon petition to do so, signed by three-fourths of the legal voters of such adjacent territory, and all assets and liabilities shall be equalized according to section 731.

§ 789. SPECIAL SCHOOL DISTRICTS—HOW ORGANIZED.] When a petition signed by one-third of the voters of a city, incorporated town or village or a school district, in which is located a city or incorporated town or village entitled to vote at such election, is presented to the council or trustees of such city, incorporated town or village or school district asking that such city, incorporated town or village or school district be organized as a special school district, such council or board of trustees shall within ten days order an election for such purpose, notice of which shall be given, and the election conducted and the returns made in the manner provided by law for the annual school election; and the voters of such city, incorporated town or village or school district shall vote for or against organization as a special school district at such election.

§ 790. ELECTION OF BOARD OF EDUCATION.] If a majority of the votes cast at such election is for organization as a special school district, another election shall be called in the same manner as is prescribed in the foregoing section, at which the voters of such city, incorporated town or village or school district shall elect five members of the board of education, two of whom shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter, and until their successors are elected and qualified, and their respective terms shall be determined by lot.

§ 797. POWERS AND DUTIES OF BOARD.] Each board of education shall have power and it shall be its duty:

1. To establish a system of graded common schools, which shall be free to all children of legal school age, residing within such special district, and shall be kept open not less than six nor more than ten months in any year.

2. To establish and maintain such schools in its city, town or village as it shall deem requisite or expedient and to change or discontinue the same.

3. To establish and maintain a high school, whenever in its opinion the educational interests of the corporation demand the same, in which such courses of study shall be pursued as shall be prescribed or approved by the Superintendent of Public Instruction, together with such additional courses as such board of education may thereafter deem advisable to establish.

4. To purchase, sell, exchange and hire school houses and rooms, lots or sites for school houses, and to fence and otherwise improve them as it deems proper.

5. Upon such lots and upon such sites as may be owned by such special district to build, alter, enlarge, improve and repair school houses, outhouses and appurtenances as it may deem advisable.

6. To purchase, sell, exchange, improve and repair school apparatus, text books for the use of the pupils, furniture and appendages, and to provide fuel for the schools.

7. To have the custody of all school property of every kind and to see that the ordinances and by-laws of the city or village in relation thereto are observed.

8. To contract with, employ and pay all teachers in such schools and to dismiss and remove for cause any teacher whenever the interests of the school may require it; but any such teacher shall be required to hold a certificate to teach, issued by the county superintendent or the Superintendent of Public Instruction, and if any such teacher holds only a county certificate the board may impose such further requirements as the best interests of the several grades may require. No person who is a relative of any member of the board shall be employed as teacher without the concurrence of the entire board.

9. To employ, should it deem expedient, a competent and discreet person as superintendent of schools and to fix and pay a proper compensation therefor, and such superintendent may be required to act as principal or teacher in such schools.

10. To defray the necessary and contingent expenses of the board, including the compensation of its clerk.

11. To adopt, alter and repeal, whenever it may deem expedient, rules and regulations for organization, grading, government and instruction and the reception of pupils, their suspension and expulsion and their transfer from one school to another. But no pupil shall be suspended or expelled except for insubordination, habitual disobedience or disorderly conduct; such suspension shall not be for a longer period than ten days, nor such expulsion beyond the end of the current term of school.

12. Each member shall visit, at least twice in each year, all the public schools in the city or village.

13. To make a report on July first, or as soon thereafter as practicable, of the progress, prosperity and condition, financial as well as educational, of all the schools under its charge, a copy of which, together with such further information as shall be required by the Superintendent of Public Instruction, shall be forwarded to the county superintendent the same as reports are made by other school districts; and such report or such portion thereof as the board of education shall consider advantageous to the public, shall be published in a newspaper in the city or village, and in

cities and villages of over eight hundred inhabitants, it may be published in pamphlet form.

14. To admit children of persons not living in such special district into the schools of such district, and to fix and collect the tuition therefor, if in its judgment the best interests of the school will permit.

15. To cause an enumeration of the children of school age within such special district, including those residing in any territory thereto attached for school purposes, to be made annually, as provided for other school districts, and return the same to the county superintendent.

§ 816. BONDS—HOW AND WHEN MAY BE ISSUED.] Whenever the taxes authorized by law shall not be sufficient or shall be deemed by the board of education to be burdensome, bonds may be issued and negotiated for the purpose of raising money to purchase a site or to erect suitable buildings thereon, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds, of the school corporation; *Provided*, that the issuance of such bonds shall first be authorized by the voters of such special district as hereinafter prescribed. Such bonds shall be signed by the president and clerk and attested by the corporate seal of the board, shall bear the date of their issue, and be payable in not less than five nor more than twenty years from their date, at such place as shall be designated upon their face. The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, and shall bear interest at not more than seven per cent. per annum, payable semi-annually on the first day of January and July in each year, shall show upon their face that they are issued for school purposes, and shall be sold at not less than par. Each bond shall have indorsed thereon the certificate of the clerk of the board stating that such bond is issued pursuant to law and is within the debt limit prescribed by the constitution.

§ 824. REFUNDING BONDS—ISSUANCE OF.] The board of education of any special or independent school district shall have power, whenever two-thirds of the members of such board shall deem it necessary and for the best interests of such school district, to issue bonds for the purpose of refunding any outstanding bonds when the same become due. Such bonds shall be issued in denominations of fifty dollars or some multiple of fifty, and shall not exceed in amount the face value of the bonds they are issued to replace, and shall not bear a higher rate of interest than seven per cent per annum, payable semi-annually on the first day of January and July of each year, nor run for a longer period than twenty years.

§ 832. MEMBERS OF BOARD, HOW ELECTED—QUORUM.] Such board shall consist of one member from each ward in the city, and when the city is divided into an even number of wards, then such city shall elect one member of such board at large. Such

members shall hold their office for the term of two years and until their successors are elected and qualified. A majority of the members of such board shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn. The electors in each ward in such city shall elect one member of such board, and the electors of such city shall elect one member of the board at large. The wards having even numbers shall hold their election in each even numbered year, and the wards having odd numbers shall hold their election in each odd numbered year: The member at large shall be elected biennially in the even numbered years; *Provided*, when such city is divided into three wards, such board shall consist of five members, one member from each ward and two members to be chosen at large; *Provided, also*, that at the first election members from even numbered wards shall be elected for a term of one year, and members from odd numbered wards for a term of two years; when two members are to be chosen at large at such first election, one shall be elected for a term of one year and one for a term of two years.

§ 842. AUTHORITY TO ISSUE BONDS.] The board of education of such district is authorized and empowered, and it is its duty whenever the board deems it necessary for the efficient organization and establishment of schools in such district, and when the taxes authorized by this article shall not be sufficient or shall be deemed by the board to be burdensome upon the taxpayers of the district, from time to time to issue bonds of the district in the denomination of fifty dollars or some multiple of fifty, payable at a time not to exceed twenty-five years after date and bearing interest at a rate no to exceed seven per cent per annum, payable semi-annually on the first day of January and July of each year, and to show upon their face that they are issued for the purpose of building and furnishing a school house or school houses, purchasing grounds on which to locate the same, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds; and the said board of education is authorized to cause the same to be sold at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of such board of education; and when any bonds shall be so negotiated it shall be the duty of the board to provide by tax for the payment of the principal and interest of such bonds; *Provided*, that at no time shall the aggregate amount of such bonds, including all other indebtedness, exceed fifty mills on the dollar of valuation of the taxable property of such district, to be determined by the last city assessment.

§ 865. UNITED STATES FLAG TO BE DISPLAYED.] The school board of any city, town or district, is authorized and required to purchase at the expense of the city, town or district, one or more flags of the United States, which shall be displayed in seasonable weather, upon the school houses or flagstaves upon the school

grounds during the school hours of each day's session of school, and a failure to comply with the provisions of this article on the part of any board of education or district school board, shall be sufficient grounds for removal of members of such board from office.

Whereas, an emergency exists in this, that there are no adequate provisions of law relating to specifying or governing the subjects enumerated in the foregoing sections; *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved March 12th, 1897.

ELECTIONS.

CHAPTER 76.

[Sub. for H. Bs. 38 and 109.]

RELATING TO ELECTIONS.

AN ACT Amending Section 491, Article 4, of the Revised Codes of North Dakota, of 1895, Relating to Elections.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 491, article 4, of the Revised Codes of North Dakota of 1895 be and is hereby amended to read as follows:

§ 491. BALLOTS—HOW PREPARED—ARRANGEMENT OF NAMES.] All ballots prepared under the provisions of this chapter shall be white and of a uniform quality of paper, printed in black ink, and of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each, and of sufficient length to contain all of the names of the candidates to be voted for at said election. On the left hand of said ticket shall be a column designating the office to be voted for, and the same line in the column under the appropriate party designation of each, all of the names of the candidates duly nominated for that office shall be printed. There shall be a space between the party designation at the top of each column and the names at the head of the ticket of five-eighths of an inch, in the center of which there shall be a square formed of black lines, in which the voter by his mark may declare that he votes for all names printed in that column, except such as are erased, or pasted, or written over as hereinafter specified. There shall also be left under the name of each candidate sufficient space to write, or paste a name therein,